of control is necessary and the Government may possibly derive a small income. Such a provision exists all over India. So, Hon'ble Members would realise that the Bill is necessary and advantageous to the State.

Motion put and carried.

Secretary to the Council.—The title of the Bill is "The Cochin Telephone Regulation Amendment Bill."

Mr. Thomas Manjuran.—I further move that the Bill may be considered forthwith suspending Standing Order No. 32.

Motion put and carried.

Clause 2 put and carried.

Substitution of new section for section 3, Regulation V of 1096.

2. For section 3 of the Cochin Telephone Regulation, V of 1096, the following shall be substituted:—

Telephone not to be established, maintained, worked or sold without license.

"3. No telephone shall be established, maintained or worked by a private person nor shall a private person deal in telephones or parts thereof without a license in writing from the Government. Such license may be granted on such terms as the Government may fix."

Clause 1 put and carried.

Short title and commencement.

1. This Regulation may be called the Cochin Telephone (Amendment) Regulation, of 1111, and it shall come into force at once.

Title and preamble put and carried.

THE COCHIN TELEPHONE REGULATION AMENDMENT BILL.

Preamble.

Whereas it is expedient further to amend the Cochin Telephone Regulation, V of 1096 it is hereby enacted as follows:—

Mr. Thomas Manjuran.— I further move that the Bill may be taken up and passed finally tomorrow. Although it is non-official business day, I am sure Hon'ble Members will not grudge it.

Mr. T. S. Narayana Ayyar.—I second it.

Motion put and carried.

The Cochin Provident Fund Bill.

Mr. Thomas Manjuran.—I rise to move that the Cochin Provident Fund Bill be read in Council.

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Mr. T. S. Narayana Ayyar.—I second it.

Mr. Thomas Manjuran.—The object of this Provident Fund Bill is to afford a certain amount of additional protection to Government servants whose provident funds are liable in most cases to the risk of attachment in case they run into debts. The very name Provident Fund indicates that it is intended to be of help to these officers after they retire. This has been the policy of all Governments.

Motion put and carried.

Secretary to the Council.— The title of the bill is "The Cochin Provident Fund Bill."

Mr. Thomas Manjuran.—Sir, I request you to suspend S. O. 32 and take the bill for consideration forthwith.

Mr. T. S. Narayana Ayyar.—I second it.

Motion put and carried.

Mr. President.—The question is that clauses 2 to 8 stand part of the Bill.

2. In this Regulation unless there is anything repugnant in the sub-
Definitions. ject or context,—

(a) "Compulsory Deposit" means a subscription to, or deposit in a Provident Fund which, under the rules of the Fund, is not until the happening of some specified contingency, repayable on demand otherwise, than for the purpose of the payment of premia in respect of policy of life insurance, or as a temporary withdrawal recoverable subsequently as provided for in the rules for the working of the fund and includes any contribution and any interest or increment which has accrued under the rules of the Fund on any such subscription, deposit, contribution and also any such subscription, deposit, contribution, interest or increment remaining to the credit of the subscriber or depositor after the happening of any such contingency;

(b) "Contribution" means any amount credited in a Provident Fund, by any authority administering the fund by way of addition to a subscription to, or deposit or balance at the credit of an individual account in the Fund; and "Contributory Provident Fund" means a Provident Fund the rules of which provide for the crediting of contributions;

(c) "Dependant" means any of the following relatives of a deceased subscriber to, or a depositor in, a Provident Fund, namely, a wife, husband, parent, child, minor brother, unmarried sister and a deceased son's

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widow and child, and, where no parent of the subscriber or depositor is alive, a paternal grand parent;

(d) "Government Provident Fund" means a Provident Fund, constituted by the authority of the Government for any class or classes of its employees; and

(e) "Provident Fund" means a Fund in which subscriptions or deposits of any class or classes of employees are received and held on their individual accounts, and includes any contributions and any interest or increment accruing on such subscriptions, deposits or contributions under the rules of the Fund.

Protection of Compulsory Deposits.

3. (1) A compulsory deposit in a Government Provident Fund shall not in any way be capable of being assigned or charged and shall not be liable to attachment under any decree or order of any Civil, Revenue or Criminal Court in respect of any debt or liability incurred by the subscriber or depositor, and no Official Receiver appointed under the Insolvency Regulation, VII of 1098, shall be entitled to, or have any claim on, any such compulsory deposit.

(2) Any sum standing to the credit of any subscriber to, or depositor in, any such Fund at the time of his decease and payable under the rules of the Fund to any dependant of the subscriber or depositor or to such person as may be authorised by law to receive payment on his behalf, shall subject to any deduction authorised by this Regulation and save where the dependant is the widow or child of the subscriber or depositor, subject also to the right of an assignee under an assignment made before the commencement of this Regulation, vest in the dependant, and shall subject as aforesaid, be free from any debt or other liability incurred by the deceased or incurred by the dependant before the death of the subscriber or depositor.

Provisions regarding repayments.

4. (1) When under the rules of a Government Provident Fund the sum standing to the credit of any subscriber or depositor, or the balance thereof after the making of any deduction authorised by this Regulation, has become payable, the officer whose duty it is to make the payment shall pay the sum or balance, as the case may be, to the subscriber or depositor or, if he is dead, shall—

(a) if the sum or balance, or any part thereof, vests in a dependant under the provisions of section 3, pay the same to the dependant or to such person as may be authorised by law to receive payment on his behalf; or

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(b) if the whole sum or balance as the case may be, does not exceed five thousand rupees, pay the same or pay part thereof, which is not payable under clause (a) to any person nominated to receive it under the rules of the Fund, or, if no person is so nominated, to any person appearing to him to be otherwise entitled to receive it; or

(c) in the case of any sum or balance, or any part thereof, which is not payable to any person under clause (a) or clause (b), pay the same—

(i) to any person nominated to receive it under the rules of the Fund on production by such person of probate or letters of administration evidencing the grant to him of administration to the estate of the deceased or a certificate granted under the Succession Certificate Regulation, VII of 1095, entitling the holder thereof to receive payment of such sum, balance or part, or

(ii) where no person is so nominated, to any person who produces such probate, letters or certificate:

Provided that, where the whole or any part of any sum standing to the credit of the subscriber or depositor has been assigned to any other person before the commencement of this Regulation, and notice in writing of the assignment has been received by the officer from the assignee, the officer shall, after making any deduction authorised by this Regulation and any payment due under clause (a) to or on behalf of the widow or children of the subscriber or depositor—

(i) if the subscriber or depositor, or, if he is dead, the person to whom in the absence of any valid assignment the sum or balance would be payable under this sub-section gives his consent in writing, pay the sum or part or the balance thereof, as the case may be, to the assignee, or

(ii) if such consent is not forthcoming, withhold payment of the sum, part or balance, as the case may be, pending a decision of a competent Civil Court as to the person entitled to receive it.

(2) The making of any payment authorised by sub-section (1) shall be a full discharge to the Government from all liability in respect of so much of the sum standing to the credit of the subscriber or depositor as is equivalent to the amount so paid.

Rights of nominees.

5. (1) Subject to the provisions of this Regulation, but otherwise notwithstanding anything contained in any law for the time being in force or any disposition whether testamentary or otherwise, by a subscriber to, or depositor in, a Government Provident Fund of the sum standing to his credit in the Fund, or of any part thereof, any nomination duly made in accordance

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with the rules of the Fund, which purports to confer upon any person the right to receive the whole or any part of such sum on the death of the subscriber or depositor, shall be deemed to confer such right absolutely, until such nomination is varied by another nomination made in like manner or is expressly cancelled by the subscriber or depositor by notice given in such manner and to such authority as is prescribed by those rules.

(2) Notwithstanding anything contained in the Succession Certificate Regulation, VII of 1095, any such person shall, on the death of the subscriber or depositor, be entitled to the grant of a certificate under that Regulation entitling him to receive payment of such sum or part, and such certificate shall not be deemed to be invalidated or superseded by any grant to any other person of probate or letters of administration to the estate of the deceased.

Power of Government to make deductions.

6. Any amount due under a liability incurred by the subscriber or the depositor in a Government Provident Fund to the Government may, at any time, be deducted by the Government from the sum standing to the credit of the subscriber or depositor.

Protections for acts done in good faith.

7. No suit or other legal proceeding shall lie against any person in respect of anything which is in good faith done or intended to be done under this Regulation.

Power to apply the Regulation to the Provident Funds.

8. (1) The Government may, by notification in the Cochin Government Gazette, declare that the provisions of this Regulation shall apply to any Provident Fund established for the benefit of its employees by any Municipal Council, within the meaning of Regulation XI of 1096, and, on the making of such declaration, this Regulation shall apply accordingly, as if such Provident Fund were a Government Provident Fund and such Municipal Council were the Government.

(2) The Government may also, by notification in the Cochin Government Gazette, direct that the provisions of this Regulation shall apply to any Provident Fund established for the benefit of the employees of any of the institutions specified in the Schedule, or of any group of such institutions, and on the making of such declaration, this Regulation shall apply accordingly, as if such Provident Fund were a Government Provident Fund and the authority having custody of the Fund were the Government.

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(3) The Government may, by notification in the Cochin Government Gazette, add to the Schedule the name of any public institution it may deem fit and any such addition shall take effect as if it had been made by this Regulation.

Clauses put and carried.

Mr. President.—The question is that the schedule stand part of the Bill.

THE SCHEDULE.

(See sub section (2) of section 3.

1. The Cochin Aided School Provident Fund.
2. The Tramway Contributory Provident Fund.
3. The Valia Amma Thampuran Kovilagam Estate Provident Fund.
4. The Cochin Thirumala Devasvom Provident Fund.
5. The Palace Provident Fund.

Schedule put and carried.

Mr. President.—The question is that clause 1 stand part of the Bill.

Short title, extent and commencement.

1. (i) This Regulation may be called the Cochin Provident Funds Regulation,.....of 111 .

(ii) It extends to the whole of Cochin and

(iii) It shall come into force on such date as the Government may by notification in the Cochin Government Gazette, appoint.

Clause put and carried.

Mr. President.—The question is that the title and preamble stand part of the Bill.

THE COCHIN PROVIDENT FUND BILL.

Preamble.

Whereas it is expedient to amend and consolidate the law relating to Government and other Provident Funds; it is hereby enacted as follows:—

Title and preamble put and carried.

Mr. Thomas Manjuran.—I rise to move that the bill may be taken up and passed tomorrow.

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